

U.S. Patent Application No. 10/653,520
Amendment dated July 5, 2006
Reply to Office Action dated May 18, 2006

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

In the present application, claims 28-39, 41, 47-55, 57, 58, 60, 61, 63, 64, 66, 67, 69, 70, 72, 73, 75, 76, 78, 79, 81, 82, 84, 85, 87, 88, 90, 91, 93-97, and 113-168 are pending. Claim 40 has been canceled by way of this amendment and claims 38 and 39 have been amended. Claim 40 has been incorporated into claim 38, and claim 39 has been amended for similar reasons. Accordingly, no questions of new matter should arise and entry of this amendment is respectfully requested.

Rejection of Claims 38-40, 87, 88, 90, 91, 93, 94, and 151-156 under 35 U.S.C. § 102(e) in view of Fife

At page 2 of the Office Action, the Examiner rejects claims 38-40, 87, 88, 90, 91, 93, 94, and 151-156 under 35 U.S.C. § 102(e) as being anticipated by Fife (U.S. Patent No. 6,416,730 B1). The Examiner asserts that Fife shows a reduced niobium oxide having a microporous surface and a sponge-like structure with a primary particle size of 1 micron or less. The Examiner further asserts that Fife indicates that the reduced niobium oxide can be agglomerated and refers to Examples 1 and 2. For the following reasons, this rejection is respectfully traversed.

Fife does relate to oxygen-reduced niobium oxides and does indicate that the niobium oxide can be agglomerated. In Example 1, relied upon by the Examiner, there is mention of passing the oxygen-reduced niobium oxide through a 40 mesh screen. Example 1 does not indicate that the oxygen-reduced niobium oxide is agglomerated, and no agglomeration sizes are provided.

Claim 38 recites agglomerated oxygen-reduced valve metal oxides which contain agglomerate sizes of less than 425 microns which include agglomerate sizes of 150 to 300 microns.

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Claim 39 has a similar limitation. Example 1 of Fife does not describe or suggest agglomerated oxygen-reduced valve metal oxides having such size ranges. Further, the description of oxygen-reduced niobium oxide passing through a 40 mesh would not teach that the agglomerate sizes include agglomerate sizes of 150 to 300 microns. Furthermore, Example 2, referred to by the Examiner, does not support the Examiner's position. Example 2 and, in particular, col. 7, line 33 to col. 8, line 3, refers to the starting input material, namely powdered Nb₂O₅. The particular mesh sizes referred to by the Examiner, "smaller than 60 mesh, but larger than 100 mesh," is a clear reference to the starting input material, namely Nb₂O₅, and is not a reference to the oxygen-reduced niobium oxide, namely the final product. Accordingly, the part of Example 2 relied upon by the Examiner does not support the rejection since it refers to a different material and further does not even indicate that the material is agglomerated.

For these reasons, this rejection should be withdrawn.

The applicants and the undersigned appreciate the Examiner's indication of the allowability of the remaining claims. In view of the above comments, the applicants believe that all claims are now in condition for allowance.

Should the Examiner have any questions regarding the patentability of all of the claims at this time, the Examiner is encouraged to contact the undersigned by telephone to discuss this matter.

CONCLUSION

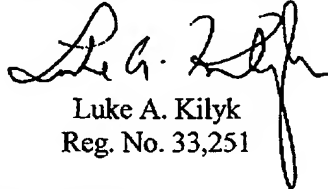
In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 03-0060. If a fee is required for an extension of time under 37 C.F.R. §

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1.136 not accounted for above, such extension is requested and should also be charged to said
Deposit Account.

Respectfully submitted,



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